

Opening Statement of Republican Leader Greg Walden
Subcommittee on Environment and Climate Change
“Mismanaging Chemical Risks: EPA’s Failure to Protect Workers”
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As Prepared for Delivery

Mr. Chairman, thank you for recognizing me and for calling today’s hearing to emphasize the importance of workplace safety.

We may disagree, Mr. Chairman, on the ways to solve various problems. We may disagree on the scope of certain problems. We may even disagree on the costs of the problem. But I know we all agree that all working Americans, whether unionized or not, should not have to fear injury or illness every time they go to work. I think we all agree that facilities, both private and municipal, should be good neighbors and control their pollution.

We should also agree that the Federal government needs to follow the rule of law in setting public health standards.

Our Federal Constitution gives us, Congress, the power to write the laws and provides the Executive Branch the power to interpret and enforce those law. Hopefully we write the law so clearly that the implementing

Agency doesn't have to "interpret" it. If we aren't clear, our Constitution does not give another branch the power to rewrite it or make it up. Instead, it requires that Congress go cleanup the mess of the law that it made.

Which is why I am intrigued by this hearing today. I am looking forward to the compelling testimony we are about to hear but I'm also interested to learn how occupational safety is now the domain of the Environmental Protection Agency.

As I understand it, Congress, through the Occupational Safety and Health Act has been quite clear that the Occupational Safety and Health Administration at the Department of Labor is primary responsibility for Federal rules for worker safety and health.

While our environmental laws try to keep exposure to pollution and hazards at bay regardless of whether the person is working, our environmental laws have the Environmental Protection Agency defer to OSHA and the National Institute of Occupational Safety and Health for protections in the workplace.

One example of this split of responsibilities is in the Clean Air Act Amendments of 1990 where OSHA covered safety processes in a factory and EPA addresses accidental releases that damage air quality. Another one is in new chemicals requirements in the Toxic Substances Control Act that require EPA to consult with OSHA on regulations.

I understand from the testimony that some groups consider the Occupational Safety and Health Act a problem because OSHA doesn't regulate enough, and they want EPA to be aggressive to fill the void of standards they consider stale.

It's an intriguing strategy in pursuit of a goal we both support, but I have concerns about whether the best way to solve this problem is to ignore statutory efforts to help the hundreds of industrial hygienists and other professionals at OSHA and instead divert the precious resources of environmental professionals at EPA from their core responsibilities under law to protect air, water, and soil in a manner that enhances public health.

I look forward to hearing more on these issues today from our panelists. I want to thank them for their time and effort to be with us today. I yield back the balance of my time.